

Calendar No. 552

105TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 105-313

HAWAII VOLCANOES NATIONAL PARK ADJUSTMENT ACT OF 1998

SEPTEMBER 8 (legislative day, AUGUST 31), 1998.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany S. 2129]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2129) to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 2129 is to amend the enabling Act for Hawaii Volcanoes National Park to authorize the Secretary of the Interior to purchase approximately 1,950 acres of land for addition to the park. Currently, the National Park Service may only acquire the property by donation.

BACKGROUND AND NEED

Hawaii Volcanoes National Park was established in 1916. The park encompasses 230,000 acres and ranges in elevation from sea level to the summit of the earth's most massive volcano, Mauna Loa at 13,677 feet.

The land west of Hawaii Volcanoes National Park has remained a largely undeveloped landscape of historical and ancient lava flows protecting pockets of endangered plant communities and archaeological sites and is held by a combination of state and private owners.

In recent years this land has been proposed for extensive development ranging from geothermal power generation, a commercial

satellite launching facility, light industry, resort development to a privately operated prison. The National Park Service is currently in a position to acquire a large portion of this undeveloped acreage. Hawaii Outdoor Tours Incorporated has indicated it is willing to sell 1,951 acres, which are identified in the park's Land Protection Plan, to the National Park Service.

The 1,951 acres contain historic and prehistoric lava flows and related geological features including major lava tube systems of significant biological and cultural value. Over two miles of coastal environment are included with associated cultural sites, and marine resources. The land is located adjacent to the park's designated wilderness area, one of the most remote wilderness areas in the State of Hawaii. If acquired, the land would be managed as part of the wilderness area in Hawaii Volcanoes National Park. S. 2129 will allow the Secretary of the Interior to purchase this parcel of land with donated or appropriated funds.

LEGISLATIVE HISTORY

S. 2129 was introduced by Senators Akaka and Inouye on June 2, 1998 and referred to the Committee on Energy and Natural Resources. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 2129 on July 9, 1998.

At its business meeting on July 29, 1998, the Committee on Energy and Natural Resources ordered S. 2129 favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 29, 1998, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 2129, if amended as described herein.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title as, the "Hawaii Volcanoes National Park Adjustment Act of 1998."

Section 2 amends Public Law 75-680 authorizing the Secretary of the Interior to purchase approximately 1,950 acres of private lands adjacent to Hawaii Volcanoes National Park with donated or appropriated funds.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 19, 1998.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2129, the Hawaii Volcanoes National Park Adjustment Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JUNE E. O'NEILL, *Director*.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2129—Hawaii Volcanoes National Park Adjustment Act of 1998

S. 2129 would authorize the National Park Service (NPS) to purchase about 1,950 acres of land adjacent to the Hawaii Volcanoes National Park. Under existing law, the NPS could purchase this property only with donated funds.

Based on information provided by the NPS and local real estate experts (and assuming appropriation of the necessary amounts), CBO estimates that the government would pay between \$3 million and \$4 million for the authorized addition. The estimate is uncertain, however, because formal appraisals have not yet been undertaken. Once the property has been acquired, additional funds of less than \$500,000 would be needed over the next several years for fencing and other one-time expenses.

S. 2129 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact is Deborah Reis. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2129. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of S. 2129, as ordered reported.

EXECUTIVE COMMUNICATIONS

The testimony of the Department of the Interior at the Subcommittee hearing follows:

STATEMENT OF WILLIAM SHADDOX, ACTING ASSOCIATE DIRECTOR, PROFESSIONAL SERVICES, NATIONAL PARK SERVICE

Thank you for the opportunity to present the position of the Department of the Interior on S. 2129, a bill to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other

purposes. The Department of the Interior supports this bill.

The enabling legislation for Hawaii Volcanoes National Park allows the Secretary of the Interior to acquire lands contiguous to the park for the purpose of "rounding out the park." The enabling legislation presently allows the Secretary to use only donated funds to acquire lands for this purpose. S. 2129 would give the Secretary the authority to use appropriated funds to acquire a specific parcel of land that is contiguous to the southwest corner of the park.

This parcel of land is approximately 1,950 acres, and contains significant natural and cultural resources. It is clearly defined by the prominent geographical feature of the "Great Crack" to the west, and make up a logical continuation of the park's coastal and dry land environment. The land has been cited in several NPS planning documents as being worthy of inclusion into the park. The area has substantial archeological resources, including terraces, house sites, salt drying areas, shelters, wells, and lava tubes, that predate the arrival of Europeans to the Hawaiian Islands. It is also an area of substantial seismic and geological activity. Most of the land was covered by the Keiwa lava flow during the eruption of Kilauea in 1823.

This legislation is necessary because this land is threatened by commercial development. Recent proposals to construct a civilian space launch facility and a geothermal energy development facility on nearby land show how attractive this land is to the private sector. Such development on this land would prevent the public from enjoying its special nature. The land is presently owned by an individual who has indicated he would willingly sell it to the National Park Service. It is important to note, however, that this bill would not by itself make this land part of the Hawaii Volcanoes National Park. Under the terms of the park's enabling act, only when title to the land is vested in the United States does the land become part of the park. In this case, it would occur upon the conveyance of land from Mr. Fujiyama to the U.S. government. This land is in the process of being appraised. It has been advertised on the real estate market for \$3,500,000.

This concludes my statement. I would be pleased to answer any of your questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing rules of the Senate, changes in existing law made by the bill S. 2129, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no changes is proposed is shown in roman):

(Public Law 75-680—June 20, 1938)

* * * * *

SEC. 391b. Extension of boundaries.

* * * * *

and, in addition, any lands adjacent or contiguous to the Hawaii National Park as extended which, in the discretion of the Secretary of the Interior, are necessary for the proper rounding out of the boundaries of the park: provided, that the United States shall not purchase, by appropriation of public moneys, any land within the aforesaid area, but such lands shall be secured by the United States only by public and private donations, *except for the land depicted on the map entitled NPS-PAC 1997HW, which may be purchased with donated or appropriated funds.*

